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FEB 01 2012	
CLERK U.S. DISTRICT COURT	
DISTRICT OF ARIZONA	
BY	M DEPUTY

Dianne Barker
3219 E. Camelback Rd, #393
Phoenix , AZ 85018

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Dianne Barker, Plaintiff) No. C11-1543- PHX-NVW

)
vs.) NOTICE OF APPEAL
)

City of Phoenix et al)
Defendants)

)

Notice is hereby given that Dianne Barker, plaintiff in above case appeals to **US COURT OF APPEALS FOR THE 9TH CIRCUIT** from the final judgment of order, NVW/KMG, entered 29th day of December 2011.

Respectfully Submitted & Signed:

Dianne Barker
Dianne Barker, informa pauperis

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 Dianne Barker,

No. CV11-1543-PHX-NVW

10 Plaintiff,

11 ORDER

12 vs.

13 City of Phoenix et al.,

Defendants.

14 Before the Court is Defendant City of Phoenix's Motion to Dismiss Amended
15 Complaint (Doc. 16). The time to file a response has expired, and no response has been
16 filed. The Motion will be considered and granted on its merits.

17 The Amended Complaint in no way cures the defects for which the original
18 complaint was dismissed (Doc. 8). Indeed, the Amended Complaint remains mostly
19 unintelligible, except that there was an automobile accident in the City of Phoenix. It
20 does not state a claim against the City of Phoenix or any other Defendant. It does not
21 come close to meeting the pleading requirements of Fed. R. Civ. P. 8 and 10.

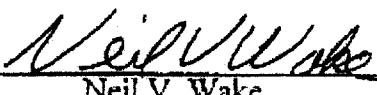
22 Since Plaintiff has previously been given an opportunity to cure the complaint by
23 amendment and has not cured the deficiencies, the Amended Complaint will be dismissed
24 without leave for further amendment. The deficiencies plainly apply to the claims against
25 all Defendants, not just the City of Phoenix.

26 IT IS THEREFORE ORDERED that Defendant City of Phoenix's Motion to
27 Dismiss Amended Complaint (Doc. 16) is granted.

1 IT IS FURTHER ORDERED that this action is dismissed for failure to state a
2 claim as against all Defendants.

3 IT IS FURTHER ORDERED that the Clerk enter judgment dismissing this action
4 for failure to state a claim upon which relief can be granted. The Clerk shall terminate
5 this action.

6 Dated: December 28, 2011.

7
8 
9 Neil V. Wake
United States District Judge